
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:18-cv-01950-JLS-KES

Date: September 30, 2019

Title: Elizabeth Deboer v. Healthcare Services Group, Inc. et al.

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING ACTION WITHOUT PREJUDICE

On September 13, 2019, the Court issued an Order to Show Cause on Failure to Prosecute. (Doc. 18.) The Court gave Plaintiff fourteen days to respond and demonstrate why this matter should not be dismissed. (*Id.*) Plaintiff has not filed a response.

“In determining whether to dismiss a claim for failure to prosecute or failure to comply with a court order, the Court must weigh the following factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.” *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002), *cert. denied*, 538 U.S. 909 (2003). First, “[t]he public’s interest in expeditious resolution of litigation always favors dismissal.” *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999). Second, the Court finds that the need to manage its docket favors dismissal, as Plaintiff has not provided any explanation as to why the case should not be dismissed, communicated with or made her whereabouts known to counsel, appeared at her deposition, or appeared at mediation. MLW at 4, Doc. 17; Eldessouky Decl. ¶ 15-17, Doc. 17-1; *see Pagtalunan*, 291 F.3d at 642 (“The trial judge is in the best position to determine whether the delay in a particular case interferes with docket management and the public interest.”). Third, Plaintiff’s failure to provide any explanation for her neglect indicates that there is sufficient prejudice to Defendant to warrant dismissal. *Yourish*, 191 F.3d at 991 (finding

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that a plaintiff's "paltry excuse for his default on the judge's order indicates that there was sufficient prejudice to Defendants from the delay that this factor also strongly favors dismissal"). Although the Court has not issued less drastic sanctions, the Court finds this factor less relevant because there has been no response to the Court's explicit order that Plaintiff show cause why this matter should not be dismissed. While public policy always favors disposition of cases on the merits, *see id.* at 992, the weight of the other factors supports dismissal.

Accordingly, the Court **DISMISSES** this action without prejudice. All future hearing dates in this action are **VACATED**.

Initials of Preparer: tg